

**TOWN COUNCIL MEETING  
COUNCIL CHAMBERS**

**APPROVED  
JUNE 22, 2015**

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 p.m.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Vice Chairperson Russell White, Councilors Frank Dennett, Charles Denault, Jeffrey Pelletier, Judy Spiller and Kenneth Lemont.

5. Agenda Amendment and Adoption

Chairperson Thomson requested to add an item under unfinished business, as 12(a), as follows: The Town Council moves to reconsider its vote on the agenda item of 6-8-15 which read, "The Kittery Town Council moves to approve a renewal application of Capital Video Corporation, 44 Bedson Road, Cranston, RI, for a Viewing Booths License for Amazing.net, 92 Route 236."

Chairperson Thomson requested to add an item under new business, as item f, shifting the current item f to item g and moving item g to be listed as item h. The new item f was listed as follows: The Kittery Town Council moves to increase the property tax levy limit to \$5,900,648.00 established for the Town by State law in the event the municipal that is approved results in a property tax commitment that is higher than this limit. Chairperson Thomson cast one vote for acceptance of amendment to the agenda.

6. Town Manager's Report

Town Manager Puff commented that the draft LD 1 worksheet was in the Council's packet and that they do expect to be exceeding the LD 1 guideline provided by the State if the finance budget is approved. She noted that the Kittery School Nutrition Program is offering a summer lunch program for any child under 18 years old at the Kittery Community Center and

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Woodland Commons. She added that the program is free and will take place Monday through Thursday from 11:00 – 12:30 and any questions can be directed to Wendy Collins.

Town Manager Puff commented that this Wednesday night is the 50<sup>th</sup> Anniversary of the Southern Maine Planning and Development Commission and she will be attending the annual meeting which will cover looking into our energy and broadband. Town Manager Puff stated that LD 780 which concerns the transfer of John Paul Jones Park to the Town of Kittery has passed both chambers of the legislature and is awaiting formalization. The Town will now start working with the Bureau of Parks and Lands to determine the terms and conditions under which the Town may accept ownership of the Park. She discussed the change in appearance of a statute in the park due to a partial waxing done by the State this past year and noted that she would like to discuss with the State further the idea of the State owning the statute and the Town owning the park.

Town Manager Puff stated that Susan Rossignol submitted her letter of resignation and will be leaving mid-August. An ad has been posted to fill her position. She also noted that the Town Assessor has officially announced his retirement and the Town is looking for an interim Assessor until they can find a permanent replacement. Town Manager Puff commented on her interest in attending some upcoming conferences, The Maine Town and City Management Association, The Brownfields Conference and ICMA, The International Manager's Conference.

Town Manager Puff commented that she received a summary and a plan from the Police Chief regarding enforcement of traffic violations which the Council had requested. She added that one of the detectives from the Kittery Police Department was recently recognized for his role in the investigation of several bank robberies including Kennebunk Savings Bank in Eliot. Town Manager Puff commented that she heard back from the Town of Eliot regarding the unmitigated traffic along Route 236 and the possibility of a traffic light at Bolt Hill Road. The Town of Eliot received word from Maine DOT that they will be doing a traffic analysis at that location.

Councilor Dennett asked for the locations of the Brownfields and ICMA conferences, which Town Manager Puff responded are in Chicago and Seattle respectively. Councilor Dennett asked if the funding for the Brownfields conference includes transportation, which Town Manager Puff confirmed that it does. Councilor Denault asked if the Town was going to look outside to fill the role of the Town Assessor. Town Manager Puff responded that they need to fill the interim position first, with the fast approaching tax deadlines, and then they will reassess the position later.

7. Acceptance of previous special meeting minutes – 5/4/2015 and 6/15/2015

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The minutes of 5/4/2015 and 6/15/2015 were accepted as written.

8. Interviews for the Board of Appeals and Planning Board – None.
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None.
10. PUBLIC HEARINGS – None.
11. DISCUSSION
  - a. Discussion by members of the public

Town Manager Puff added that the Minutes Recorder has left and they have an ad posted for her replacement.

Bill Paisley approached the podium to discuss the upcoming budget. He asked that they carefully review the pay increases for the firefighters and for the Chief as the Town is in desperate need of firefighters. He added that the Chief puts in a tremendous amount of time relative to his current pay and he should be paid more based on his dedication to the Town.

12. UNFINISHED BUSINESS

- a. The Town Council moves to reconsider its vote on the agenda item of 6-8-15 which read, “The Kittery Town Council moves to approve a renewal application of Capital Video Corporation, 44 Bedson Road, Cranston, RI, for a Viewing Booths License for Amazing.net, 92 Route 236.”

**CHAIRPERSON THOMSON MOVED TO RECONSIDER THE VOTE. COUNCILOR SPILLER SECONDED THE MOTION. A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION CARRIED 7-0.**

Councilor Denault commented that he had read through the Town Code and intended to change his vote based on the fact that the ordinances are in compliance.

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION CARRIED 7-0.**

Chairperson Thomson noted that the Counsel had an executive session with the Town Attorney prior to this evening’s meeting and additional work will be done in this area.

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**13. NEW BUSINESS**

a. Donations/gifts received for Council disposition – None.

b. (060315-1) The Kittery Town Council moves to approve an application from Daniel Clarence Raynard, 14 Stonecroft, Apt. 6, Portsmouth, NH for a Malt and Vinous Liquor License for Tasty Thai, 182 State Road.

**COUNCILOR PELLETIER MOVED TO APPROVE THE APPLICATION FROM DANIEL CLARENCE RAYNARD, 14 STONECROFT, APT. 6, PORTSMOUTH NH FOR A MALT AND VINOUS LIQUOR LICENSE FOR TASTY THAI, 182 STATE ROAD. MOTION WAS SECONDED BY VICE CHAIRPERSON WHITE. A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION CARRIED 7-0.**

c. (060315-2) The Kittery Town Council moves to approve a renewal application from Tributary Brewing Co., LLC, 5 Winding Brooke Lane, South Berwick, ME for a Malt Liquor License for Tributary Brewing Co., 10 Shapleigh Road, Suite A.

**COUNCILOR PELLETIER MOVED TO APPROVE THE APPLICATION FROM TRIBUTARY BREWING CO., LLC, 5 WINDING BROOKE LANE, SOUTH BERWICK, ME FOR A MALT LIQUOR LICENSE FOR TRIBUTARY BREWING CO., 10 SHAPLEIGH ROAD, SUITE A. MOTION WAS SECONDED BY VICE CHAIRPERSON WHITE. A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION CARRIED 7-0.**

d. (060315-3) The Kittery Town Council moves to approve the disbursement warrants.

**CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSEMENT WARRANTS IN THE TOTAL AMOUNT OF \$510,753.92. COUNCILOR PELLETIER SECONDED THE MOTION. A VOICE CALL WAS TAKEN WITH ALL IN FAVOR. MOTION CARRIED 7-0.**

e. (060315-4) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Kittery Community Center Board of Directors to interview Michael Downs for his re-appointment to that board until 5/30/18.

Chairperson Thomson noted that Mr. Downs' attendance on the Board has been excellent and his contribution to the KCC Board has also been excellent during his initial term.

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**CHAIRPERSON THOMSON MOVED TO RE-APPOINT MR. DOWNS TO THE KITTERY COMMUNITY CENTER BOARD OF DIRECTORS WITHOUT AN INTERVIEW. COUNCILOR DENAULT SECONDED THE MOTION. A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION CARRIED 7-0.**

f. The Kittery Town Council moves to increase the property tax levy limit to \$5,900,648.00 established for the Town by State law in the event the municipal that is approved results in a property tax commitment that is higher than this limit.

**COUNCILOR DENNETT MOVED TO INCREASE THE PROPERTY TAX LEVY LIMIT TO \$5,900,648.00 ESTABLISHED FOR THE TOWN BY STATE LAW IN THE EVENT THE MUNICIPAL THAT IS APPROVED RESULTS IN A PROPERTY TAX COMMITMENT THAT IS HIGHER THAN THIS LIMIT. COUNCILOR PELLETIER SECONDED THE MOTION. A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION CARRIED 7-0.**

g. (060315-5) The Kittery Town Council moves in accordance with Sec. 6.06 (3) of the Town Charter to adopt the FY 2015-16 Municipal and Adult Education budgets.

**CHAIRPERSON THOMSON MOVED TO ORDAIN \$971,168.00 FOR ACCOUNT NO. 101110 (ADMINISTRATION) FOR 2016. COUNCILOR PELLETIER SECONDED THE MOTION.**

Councilor Denault commented that he had expressed his concerns regarding the budget to the Town Manager and the Town Manager assured him that, going forward, she will be watching the concerns that Councilor Denault had raised and will be making appropriate changes should there be a need to do so. Councilor Dennett suggested that they move and second all items at once and discuss individual items after, if any discussion was required.

Chairperson Thomson listed the municipal and education budgets and the proposed allocated funds which were as follows:

Council \$7,656  
Elections \$10,438  
County Tax \$912,386  
Assessing \$182,306.00  
Debt and Interest \$663,378  
Police Department \$2,746,959  
Fire Department \$313,625  
Street Lights \$113,600  
Hydrant Rentals \$221,780

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Civil Emergency Preparedness \$1,500  
Highway \$1,182,915  
General Assistance \$40,000  
Public Health Service \$603  
Community Agencies \$13,830  
Planning Code Enforcement \$369,607  
Planning Board and Board of Appeals \$15,575  
In Town Parks \$164,226  
Fort Foster, Sea Point and Crescent Beaches \$155,886  
Miscellaneous Accounts \$148,306  
Bank Fees \$600  
Capital Improvement Plan (CIP) \$1,159,492  
Library \$448,412  
Recreation \$1,233,819  
Port Authority \$118,799  
Resource Recovery Facilities \$674,133  
Miscellaneous Insurances \$300,058  
Schools/Education \$15,461,359.00  
Adult Education \$69,835  
**Total: \$27,702,249**

Chairperson Thomson asked if the school budget required formal appropriation by the Council since it has already been voted on by the voters. Councilor Dennett suggested that they vote to appropriate the funds so that they can be spent accordingly.

**CHAIRPERSON THOMSON MOVED TO ORDAIN A GRAND TOTAL OF \$27,702,249 TO THE FY 2015-16 MUNICIPAL AND ADULT EDUCATION BUDGETS. COUNCILOR PELLETIER SECONDED THE MOTION.**

Councilor Dennett commented that even though he has been trying to cut the budget back, the community does not seem to be concerned with conservative spending. He stated that he will be voting in favor of the budget and noted that it is not the duty of the Council to protect the taxpayers against the voters. Chairperson Thomson commented that the 1.7% budget increase is a fair and responsible budget to present to the people of Kittery.

**A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION CARRIED 7-0.**

Chairperson Thomson commented on the Library appropriation, suggesting that they receive the appropriation in thirds.

**CHAIRPERSON THOMSON MOVED THAT THE TOWN MANAGER AND FINANCE DIRECTOR BE DIRECTED TO ISSUE TWO INITIAL PAYMENTS IN CALENDAR YEAR 2015 OF \$112,103 WITH THE ADDITIONAL ONE HALF TO BE DISBURSED IN APRIL IF THE WORK OF THE COMMITTEE THAT IS BEING ESTABLISHED TO DISCUSS THE FUTURE OF THE RICE PUBLIC LIBRARY MEETS A CONSENSUS AND THE COUNCIL IS SATISFIED THAT RESPONSIBLE PLANNING AND FINANCIAL PLANNING IS BEING TAKEN WITH REGARD TO THE LIBRARY. COUNCILOR LEMONT SECONDED THE MOTION.**

Chairperson Thomson noted that there have been a number of workshops with the Library staff and Board and the Council's questions that have been asked of them have not been answered very well. He added that he is very uncomfortable, based on recent interactions, with simply appropriating and clearing the full amount. Vice Chairperson White commented that it sounds like they are holding half of the Library's budget for the coming fiscal year in abeyance for the purpose of motivating the Library Board to be more forthcoming or do something to satisfy the Council's interest. Chairperson Thomson responded that it is a lot of money to turn over to a group that has fallen short in their responses to basic financial questions that have been asked of them.

Councilor Pelletier noted that he opposed the motion and asked if the Library offered any feedback on the change of the disbursement of their funds. Town Manager Puff responded that the library has not been informed of the plan. Councilor Pelletier commented that it is unfair to pass such a motion without the leader of the Library present and without knowing what impact the change would have on their operation and to hold the Library responsible for decisions made by a Board that they only make up a percentage of. Councilor Spiller shared her concern that the Town pays the majority of the Library's budget and the Library has not showed interest in working with the Town on their upcoming changes. She added that she also believes it to be unfair to change the Library's funding schedule without a representative from the Library present. Councilor Denault asked for clarification on the disbursement schedule.

Chairperson Thomson clarified that he is not looking for a final decision to be made regarding the Library's direction by the end of the year, he is just looking for progress and improvement by the members of the Library Board. He added his concern that the self-appointed Board will make financial commitments that the people of Kittery are going to be hung with. Vice Chairperson White commented that the Board is not able to commit the Town to funds that have not been approved by the Council and noted that although he is not going to vote in favor of the motion he believes that the motion itself and the discussion that ensued sends a good message to the Board. Councilor Lemont commented that he found the meeting with the Library Board to be frustrating and thought that their business plan was incomplete and noted that this motion is

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not just holding back money from them, it leaves the door open if they need to appropriate more money to them in April based on fees they have incurred.

Councilor Dennett stated that to his knowledge there is nothing in State law that obligates Council to support the Library. He added that State law allows municipalities the option to support free public libraries with funds that they deem necessary. Councilor Pelletier stated that adding the motion at the 11<sup>th</sup> hour without giving any notice to the Council members or the Library Board members is a form of intimidation to the Board and should not be how the Council conducts themselves. Vice Chairperson White commented that the Library is doing tremendous work and the Council needs more information regarding their operating budget before they impose an appropriation change.

**COUNCILOR DENNETT MOVED TO POSTPONE THE ITEM UNTIL THE FIRST MEETING IN JULY. COUNCILOR SPILLER SECONDED THE MOTION. A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION CARRIED 7-0.**

h. (060315-6) The Kittery Town Council moves to approve the 2015-16 Sewer Department budget.

**COUNCILOR DENAULT MOVED TO APPROVE THE SEWER DEPARTMENT BUDGET IN THE AMOUNT OF \$1,830,693.71. COUNCILOR PELLETIER SECONDED THE MOTION. A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION CARRIED 7-0.**

**14. COUNCILOR ISSUES OR COMMENT**

Councilor Spiller stated that she received concerns from a resident on Martin Road regarding sewer hookup cost and asked if they could provide information to residents regarding the process. Chairperson Thomson responded that they approved a betterment assessment formula a number of meetings ago and that is all that can happen until the project is complete. George Kathios, Superintendent of the Kittery Sewer Department approached the podium to speak to Councilor Spiller's questions. Mr. Kathios commented that they have drafted a letter to go out to all of the residents abutting the new sewer line that explains how the betterment works. He noted that assessments will be made on the properties and they will have a ten year window to pay back the assessment.

Vice Chairperson White commented that he attended a climate change workshop at the Laudholm Farm in Wells. He noted that it was an excellent presentation including a review of climate change science and methodologies to track what towns are doing and ways towns can share information with each other. He added that he would like to get the information into the



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Comp. Plan. Vice Chairperson White stated that John Paul Jones Park looks very well kept up this year and asked if the Board was going to do anything with the letter from the Mitchell School teachers. Chairperson Thomson responded that he saw a response from Councilor Pelletier to them which summed everything up. Councilor Pelletier summarized his response to the letter.

Councilor Pelletier commented on the Library funds appropriation issue, stating that although their opinions differ, he has the highest respect for Chairperson Thomson and urged the Council members to not let issues become personal. Councilor Denault commented that he received calls regarding a group playing sports on Memorial Field. He noted that the group charges fees for members to join the organization and then they come and play on the Town's field. He is concerned that Kittery is not recapturing any of those fees, especially since the members are not residents. Janice Grady, the Recreation Director, commented that the facility has a policy that permits people to rent the fields if they are not being used and the aforementioned organization rents the KCC and the fields and provides insurance certificates.

Chairperson Thomson commented that he has asked the Town Manager and Town Clerk not to schedule any meetings or workshops for the next two Monday nights. The next regular meeting will be Monday, July 13<sup>th</sup>.

**15. COMMITTEE AND OTHER REPORTS**

Councilor Spiller commented that the Wood Island Advisory Committee met Saturday, June 13<sup>th</sup> to get an update on the Life Saving Station project. There have been some communications that have indicated that the Island is closed to the public which is incorrect. She added that only the building is closed to the public. Councilor Spiller noted that there is a repair agreement in question since the Station has been successfully added the list of eligibility to be registered as a historic building.

**16. EXECUTIVE SESSION – None.**

**17. ADJOURNMENT**

**COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY  
COUNCILOR DENAULT WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:18  
P.M.**